

VERSION 3

CARE OF VULNERABLE ADULTS

**Toronto Monthly Meeting
Of the Religious Society of Friends (Quakers)**

**Policy and Procedures
Regarding
the abuse of children and vulnerable adults**

Approved by Toronto Monthly Meeting Sept 9, 2017
First Amendment ???

There are five versions of these policies and procedures:

- Version 1 Master
- Version 2 Care of Children
- Version 3 Care of Vulnerable Adults
- Version 4 Oversight
- Version 5 Staff

The Master version contains all sections, appendices and forms. The other versions are tailored to specific positions, and contain selections from the master version. A spreadsheet filed in the TMM office identifies which sections, appendices, and forms belong in each protocol.

**Procedures for reporting an incident can be found in the “Incident
Procedures” section of this protocol**

Forms can be found on the TMM website and in the Resident Friend’s Office

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SECTION 1: INTRODUCTION

Policy statement

The care of children, young people, and vulnerable adults is a sacred trust. Honouring that trust, Toronto Monthly Meeting is committed to ensuring that they are safe and secure in our care.

The testimony to equality, a belief in the equality of all persons, has been a base tenet of Quaker faith and practice since the beginnings of Quakerism. All persons are to be treated equally, respectfully and with love and care, irrespective of age, race, gender, or ability. Consequently, Toronto Monthly Meeting (TMM) commits itself to do everything possible to create safe environments for its activities in which vulnerable persons, including children and youth, are nurtured, and physical, emotional and sexual abuse is prevented. While it is not the intention of this policy to insulate vulnerable persons, including children and youth, from the balance of challenge and risk that they need for healthy development, we recognize that our peace arises out of right relationships and that children and young people are especially vulnerable to the tragic consequences of broken relationships and abusive treatment. Child abuse in any form, physical, emotional, sexual, as well as neglect, is unacceptable.

Toronto Monthly Meeting is also committed to ensuring that vulnerable adults are safe and secure in our care. Any of us may find ourselves to be vulnerable at different times in our lives.

Any allegation of sexual abuse of a child or vulnerable adult in our care will be treated seriously, investigated, and appropriate actions in response will be taken by the Meeting according to this policy. Procedures for reporting an incident are included.

The following procedures are intended to:

- provide a safe environment for the children, adolescents, and vulnerable adults in our care
- guide us in carrying out our responsibilities
- protect staff and volunteers from false or wrongful allegations
- comply with insurance requirements and community expectations

The procedures apply to all people active with children or vulnerable persons, regardless of whether the volunteer or staff person is a Friend, Attender, or other, doing ministry or providing services under the care of TMM or on its premises. This includes outside service providers.

History

These Policy and Procedures have been developed over many years and benefited from the experience and practice of many sources.

Work on the issue of sexual abuse and harassment began in Toronto Monthly Meeting in 1993.

The first brief protocol was approved by the Meeting in 2006, and several expansions and amendments have been developed since then. You can find more details in Appendix C.

Many other Quaker protocols have been consulted, as well as other religious sources. The list of references can be found in Appendix D.

The work has been carried out by the Sexual Abuse and Harassment Committee, under the guidance of the Directors. Except for technical changes, the protocols are brought to Toronto Monthly Meeting for approval.

Document overview

There are several versions of the protocol: a Master version, and shorter versions, each of which is tailored to specific positions.

The Master version contains all sections used in the other versions. It is intended for use as a reference document for those who develop, maintain, and oversee the abuse protocols in Toronto Monthly Meeting, as well as anyone looking for complete documentation of the TMM protocols

The documents contain the following sections:

SECTION 1: Introduction

SECTION 2: Preparing volunteers for caring for children and vulnerable people:

SECTION 3: Assigning responsibility to committees

SECTION 4: Preventive procedures

SECTION 5: Procedures when an incident is reported

SECTION 6: Appendices

Policy summary

Following is a brief overview of the screening requirements and preventive procedures for each volunteer position and committee. Further details are provided throughout the document.

Vulnerable adults	Screening & Training	Access
Care for vulnerable adults		
<p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Burial Committee • Members of TFSR, whether f/Friends or not • Visiting Committee 	<p>All committee members who have direct contact with vulnerable adults must be “approved adults”</p> <p>Exceptions from screening requirements:</p> <ul style="list-style-type: none"> • occasional volunteers 	<p>New committee members must become “approved adults” before visiting vulnerable adults</p> <p>Exceptions must be with an “approved adult” committee member</p> <p>Best practice is to visit with two people</p> <p>If circumstances require, “approved adults” may visit alone</p>
Ad-hoc care for vulnerable adults		
<p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Committees of Care (if they are assessed to be high risk when first established) 	<p>Best practice is to have “approved adults”</p>	<p>Best practice is to visit with two people</p> <p>If circumstances require, “approved adults” may visit alone</p>
Consultants and other service providers working with or having access to vulnerable adults		
<p>Includes but is not limited to:</p> <ul style="list-style-type: none"> • Translators 	<p>Must be accredited professionals if they are hired in their professional capacity.</p> <p>Others will be functioning as volunteers and will need to use TMM protocols</p>	<p>Accredited professionals may be alone with vulnerable adults if they abide by their professional accreditation</p> <p>For others, best practice is to visit with two people</p> <p>If circumstances require, “approved adults” may visit alone</p>

SECTION 2: PREPARING VOLUNTEERS

Risk assessment:

All the volunteer and staff positions in TMM have been listed and assessed for risk, based on factors like responsibility for children or vulnerable adults, isolation, or oversight of these protocols.

An overall rating of “low”, “medium”, or “high” risk was given to each position.

Police checks are required for “high” risk positions.

Access to children and vulnerable adults depends on this risk assessment.

Risk assessment tables by position can be found on the TMM website.

Position requirements:

The position requirements documents provide a quick reference for those with responsibilities under the procedures.

They include details on screening, training, and access to children and vulnerable adults by position.

All of the documents can be found on the TMM website and in the Master Protocol.

SECTION 3: RESPONSIBILITIES

Responsibilities of Ministry and Counsel

Ministry and Counsel shall ensure that

- these procedures are followed when pastoral care is provided by Ministry and Counsel or Committees of Care
- special procedures are followed for any TMM retreats

Responsibilities of Visiting Committee

Visiting Committee shall ensure that

- these procedures are followed

Responsibilities of Burial Committee

Burial Committee shall ensure that

- these procedures are followed

Responsibilities of Toronto Friends Sponsoring Refugees (TFSR)

TFSR shall ensure that

- the Police Check Manager and Nominating Committee are given a list of all committee members, with those who are not TMM members or attenders clearly indicated and with their contact information
- anyone applying to be on the committee who is not a Friend or attender is known to someone on the committee and acceptable to the committee
- the Directors and Personnel Committee are informed in advance of any hires, such as interpreters
- the Directors are notified of partnerships with other agencies, and in particular any requirements for screening, insurance, or procedures
- these procedures are followed during all contact with refugees and their children
- refugee families are informed that they and their children can go to a Contact Person if there are any concerns about abuse or harassment involving the Meeting

SECTION 4: PREVENTIVE PROCEDURES

Preventive procedures for those working with vulnerable adults

Visiting Committee, Ministry and Counsel, Burial Committee, Toronto Friends Sponsoring Refugees

- Because of the nature of the care offered to vulnerable members of our community, only members who are “approved adults” may visit in person
- Ideally, they should visit with two people, but if circumstances require, “approved adults” may visit alone
- Note that refugee adults over 18 are considered vulnerable only in their first year

Visiting Committee

- When visiting a nursing home or hospital, leave a card or note recording your visit in the room.

Ministry & Counsel

- Committees of Care should be assessed for risk when first established, and those considered to be “high risk”, that is caring for a vulnerable adult, should be selected and follow special guidelines:
 - best practice is to select “approved adults”.
 - ideally, they should visit with two people, but if circumstances require, “approved adults” may visit alone”

Record keeping for those working with vulnerable adults

- Records of all visits, whether in person, by phone, or by e-mail, are to be kept in a central binder
- This applies to, but is not limited to, the above Committees, including Committees of Care

SECTION 5: INCIDENT PROCEDURES

Incident procedures for incidents involving vulnerable adults

1. Legal Reporting Requirements

There is no legal [as opposed to moral/ethical] requirement to report suspected abuse of a vulnerable adult.

2. Confidentiality

By law, the duty to report overrides the privilege of confidentiality associated with a pastoral relationship.

Otherwise, those involved in the TMM reporting process will keep the names of those involved confidential in order to protect the identity of the vulnerable adult involved, unless the protection of that individual or others may require otherwise.

2. Reporting obligations within Toronto Monthly Meeting

In the event that an incident of abuse is alleged to have occurred on the premises of Toronto Monthly Meeting or in the course of activities sponsored by the Meeting, the following procedure shall be followed. The response will be overseen by the Directors.

- a) Any person who suspects that abuse has taken place must immediately notify the Resident Manager/On Duty Resident or one of the Contact People.
- b) The Resident Manager/On Duty Resident or Contact Person receiving notification of the alleged abuse will complete an Incident Report, and inform one of the Directors of the allegation. If it is a Resident Manager/On Duty Resident who completes an Incident Report, s/he will also notify one of the Contact People, or if they are not available, one of the Directors.

SECTION 6: APPENDICES

Appendix A: Definitions

“Action”

“Action” means a Statement of Claim or a similar civil process originating in Canada in which “Compensatory Damages for “Bodily Injury” to which the insurance applies are claimed. “Action” includes an arbitration proceeding claiming such damages (see the Insurance Policy for further details).

“Approved adults”

These are adults 18 and over who have had valid Vulnerable Sector police checks within the last three years, and have read and agreed to these procedures via written consent.

“Child”

For the purposes of these policies and procedures, a child is a person under the age of 18. (Note that Children’s Aid may not have responsibility for incidents involving persons 16 and older, but should still provide guidance).

“Claim”

“Claim” means a written or oral notice, or notice of an “Action”, alleging that an Insured is legally liable for “Compensatory Damages for “Bodily Injury” to which the insurance applies (see the Insurance Policy for further details).

“Contact People”

One or more Directors, Clerks, or other individuals appointed by the Directors. They are responsible for responding to incidents. Their names are posted on the bulletin boards.

“Due diligence”

"Due diligence" is defined by Black's Law Dictionary as: "such a measure of prudence, activity, or assiduity, as is properly to be expected from, and ordinarily exercised by, a reasonable and prudent person under the particular circumstances; not measured by any absolute standard but depending on the relative facts of the special case."

It includes a duty to be aware of legal requirements, and a responsibility to act reasonably and prudently in light of these requirements.

“Occasional volunteers”

Adults who are invited for a special purpose, such as guest speakers, entertainers, or infrequent assistants in a program

“Police check managers”

One or more Directors or other individuals appointed by the Directors, whose names are registered with the Toronto Police Service. They are responsible for managing the police check application process and the assessment of returned checks.

“Respondent”

Someone who has been accused of an incident; an alleged perpetrator.

Sexual offences (from the Criminal Code of Canada):

This policy uses the Criminal Code of Canada (R.S.C., 1985, c. C-46) (Sections 150, 1, 2, 3, 5, 9, 160, 163, 170, 171, 172) to define conduct constituting the sexual offences that are covered by the policy: <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-71.html#h-55>

“Vulnerable adults”

The *Criminal Records Act* says vulnerable persons are:

“persons who because of their age, a disability or other circumstances, whether temporary or permanent,

- are in a position of dependence on others: or
- are otherwise at greater risk than the general population of being harmed by persons in a position of authority or trust relative to them.”

“Vulnerable adult” might include, but not be limited to: an individual with physical, sensory, mental health, emotional and/or intellectual conditions, permanent or temporary, that lead to a reduced capacity to look after his or her own interests, needs and wellbeing

Note that refugee adults in their first year are considered a vulnerable population

Appendix B: Legal reporting requirements

The requirements for the reporting of child abuse can be found in the *Child, Youth and Family Services Act*, 2017, s.o. 2017, chapter 14, Section 125, as it may be amended from time to time.

There is no legal requirement to report the abuse of vulnerable adults.

Summary of the CFSA (subject to any later amendments):

Duty to report

Every person who has reasonable grounds to suspect a child is or may be in need of protection (as defined by the Act), **must forthwith** report the suspicion and the information on which it is based to the local Children's Aid Society.

- this includes physical harm, sexual molestation or exploitation, serious emotional harm, and other causes..

There is an ongoing duty to report, even if previous reports have been made, and the report must be made directly, and not through another person.

Failure to report:

Everybody has a duty to report; professionals (e.g. teachers, daycare supervisors et al who are not volunteers) may be liable to fines or imprisonment for failing to report a suspicion obtained in the course of their professional duties.

Definitions (subject to any later amendments):

Section 3.1 of the *CFSA* defines a child as a person under the age of 18 years.

Part III of the Act defines child for the purposes of child protection as an individual under the age of 18.

“Reasonable grounds” are what an average person, given his or her background and experience, and exercising normal and honest judgement, would suspect to be abuse or neglect, or the risk thereof. If a child tells a person directly that s/he is or has been abused, this must be reported immediately.

Appendix C: Background

1. Canadian Yearly Meeting (CYM)

- Concern about sexual harassment and assault began in Canadian Yearly Meeting in 1991.
- In 1997 a minute was approved containing a protocol relating to adults.
- In 1998 a report on children was received.
- These protocols were offered as templates to Monthly Meetings as well as to the Yearly Meeting.

2. Toronto Monthly Meeting (TMM)

Beginnings

- In 1993 a statement on abuse was posted in the house, and contacts were named in case of incident.

Adapting the CYM protocols

- In 1999, The Sexual Abuse and Harassment Committee was established to adapt the Yearly Meeting protocols, and provide education and training to TMM.
- Careful and tender discernment was needed to adapt these protocols to our close-knit faith community. Restorative and transformative justice models provided new insight as the work slowly progressed.

Insurance standards

- In 2006, the Meeting's insurance company requested a complete sexual abuse protocol for children as a prerequisite of continued insurance
- The requirements for insurance coverage are more formal and restrictive than those previously envisaged by Friends. However, compliance both represents best practices of due diligence in protecting children, and protects the Meeting from liability.
- In 2006, a brief protocol for children that included the core insurance requirements was written and approved by TMM. Implementation followed.
- In 2012 an amendment to the brief protocol was approved by TMM.

Appendix D: Sources and References

Quaker sources:

Canadian Yearly Meeting

- CYM 1997 Minute 56: Report of ad hoc committee on sexual harassment and assault
- CYM 1998 Minute 37: Ad hoc committee addressing issues of sexual abuse
- CYM 2005: The Nurture of Children in our Care
- CYM 2012 Nov Representative Meeting Minutes: Appendix L; Draft revised Policy; Safe Nurture of Children in our Care (includes 4 Appendices)
- CYM 2016 Safe Nurture of Vulnerable Persons in our Care

Halifax Monthly Meeting

- Creating a Safe Faith Community: Reducing the risk of abuse and responding to abuse issues involving children and youth. Draft March 2006.

Friends General Conference

- Policy on Abuse Prevention. Adopted by LRCP 23 Oct 2004

Ireland Yearly Meeting

- Working with Children and Young People 2008

Britain Yearly Meeting

- Meeting Safety 2012
- Handbook for Trustees of Quaker Meetings 2009

Other religious sources:

Diocese of Toronto. Anglican Church of Canada. Sexual Misconduct Policy: sexual harassment, exploitation, and assault. October 2001. Revised June 2014.

CCC Bulletin, Canadian Council of churches, October 2005. Abuse Prevention Newsletter, Robertson Hall Insurance.

New York Annual Conference, The United Methodist Church. SAMPLE POLICY, Policies & Procedures For the Prevention of Child Abuse, October 5, 2004.

http://www.nyac.com/form_detail.asp?pkvalue=11

Churches' Child Protection Advisory (CCPAS)